

Bill as Introduced

HB 488-FN - AS INTRODUCED

2011 SESSION

11-0649
05/01

HOUSE BILL

488-FN

AN ACT

relative to criminal records checks for employment with child day care agencies.

SPONSORS:

Rep. Day, Hills 7

COMMITTEE:

Children and Family Law

ANALYSIS

This bill provides for a more limited criminal records check when an employee of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

This bill is a request of the department of health and human services.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 488-FN – AS INTRODUCED

11-0649
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to criminal records checks for employment with child day care agencies.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 New Paragraph; Criminal Records Check Required for Employment with Child Day Care
2 Agency. Amend RSA 170-E:7 by inserting after paragraph II the following new paragraph:
3 II-a. If an individual who is or has been employed at a child day care agency is offered
4 employment at another child day care agency, the individual shall not be required to submit a new
5 set of fingerprints and undergo a new criminal records check through the Federal Bureau of
6 Investigation, as required in subparagraph II(b), provided that the individual has submitted
7 fingerprints and undergone such a criminal records check under this section within 3 years of the
8 individual's first day of employment at the new agency. Before entering employment with the new
9 agency, the individual shall undergo a New Hampshire state criminal records check through the
10 department of safety.
11 2 Effective Date. This act shall take effect 60 days after its passage.

HB 488-FN - AS INTRODUCED

- Page 2 -

LBAO
11-0649
01/19/11

HB 488-FN - FISCAL NOTE

AN ACT relative to criminal records checks for employment with child day care agencies.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 488-FN - AS AMENDED BY THE HOUSE

2Mar2011... 0378h

2011 SESSION

11-0649

05/01

HOUSE BILL

488-FN

AN ACT

relative to criminal records checks for employment with child day care agencies.

SPONSORS:

Rep. Day, Hills 7

COMMITTEE:

Children and Family Law

AMENDED ANALYSIS

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8 years of the individual's first day of employment or volunteer service at the new agency. Before
9 entering employment or volunteering with the new agency, the individual shall undergo a New
10 Hampshire state criminal records check through the department of safety.

11 2 Effective Date. This act shall take effect 60 days after its passage.

HB 488 FISCAL NOTE

AN ACT relative to criminal records checks for employment with child day care agencies.

FISCAL IMPACT:

The Department of Health and Human Services states this bill may decrease state, county and local expenditures, and state revenue by an indeterminable amount in FY 2011 and each year thereafter. There will be no fiscal impact on county or local revenue.

METHODOLOGY:

The Department states this bill modifies the requirement of the national criminal background check for employees of child care programs. Currently every employee of a child care program must submit fingerprints and undergo a national criminal record check and a State criminal check. The Department indicated that, under current law, if an employee leaves one child care program and accepts employment at another child care program the employee must submit new fingerprints and undergo a new national criminal background check. The Department states this bill would make the results of a national criminal background check portable, provided the employee has undergone a national criminal record check within three years of accepting employment in the new program. The Department expects this would result in general fund savings as fewer national background checks will be processed. There may be a related decline in federal revenue for the federal share of reduced costs. In addition, the Department states there may be savings to county and local governments for fewer background checks in day care programs supported by county and local governments. The Department is not able to determine the impact on the number of background checks or the fiscal impact of this bill.

The Department of Safety states this bill will have no fiscal impact to the Department of Safety.

CHAPTER 100
HB 488-FN - FINAL VERSION

2Mar2011... 0378h

2011 SESSION

11-0649
05/01

HOUSE BILL ***488-FN***

AN ACT relative to criminal records checks for employment with child day care agencies.

SPONSORS: Rep. Day, Hills 7

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill provides for a more limited criminal records check when an employee or volunteer of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

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 Matter removed from current law appears [~~in brackets and struck through~~].
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CHAPTER 100
HB 488-FN - FINAL VERSION

1 2Mar2011... 0378h

11-0649
05/01

2
3
4
5 STATE OF NEW HAMPSHIRE

6
7 *In the Year of Our Lord Two Thousand Eleven*

8
9 AN ACT relative to criminal records checks for employment with child day care agencies.

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12
13 100:1 New Paragraph; Criminal Records Check Required for Employment with Child Day Care
14 Agency. Amend RSA 170-E:7 by inserting after paragraph II the following new paragraph:

15 II-a. If an individual who is or has been employed or volunteered at a child day care agency
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18 Federal Bureau of Investigation, as required in subparagraph II(b), provided that the individual has
19 submitted fingerprints and undergone such a criminal records check under this section within 3
20 years of the individual's first day of employment or volunteer service at the new agency. Before
21 entering employment or volunteering with the new agency, the individual shall undergo a
22 New Hampshire state criminal records check through the department of safety.

23 100:2 Effective Date. This act shall take effect 60 days after its passage.

24
25 Approved: May 27, 2011

26 Effective Date: July 26, 2011

Committee Minutes

**SENATE CALENDAR NOTICE
HEALTH AND HUMAN SERVICES**

Senator Jeb Bradley Chairman
 Senator Tom De Blois V Chairman
 Senator Molly Kelly
 Senator Gary Lambert
 Senator Andy Sanborn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 15, 2011

HEARINGS

Thursday

3/24/2011

HEALTH AND HUMAN SERVICES

LOB 102

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	HB111	relative to redispensing unused drugs.
1:15 PM	HB289	relative to procedures followed by funeral directors.
1:30 PM	HB364	relative to the membership of the state committee on aging.
1:45 PM	HB488-FN	relative to criminal records checks for employment with child day care agencies.

Sponsors:

HB111

Rep. Sandra Keans

Rep. Frank Case

Rep. Alida Millham

Rep. Donna Schlachman

HB289

Rep. James Headd

HB364

Rep. James Pilliod

Rep. Alida Millham

HB488-FN

Rep. Russell Day

Health and Human Services Committee

Hearing Report

TO: Members of the Senate

FROM: Robyn Dangora, Legislative Aide

RE: Hearing report on HB 488-FN – relative to criminal records checks for employment with child day care agencies.

HEARING DATE: March 24, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Bradley,
Senator Kelly, Senator Lambert

MEMBERS OF THE COMMITTEE ABSENT: Senator De Blois, Senator
Sanborn

Sponsor(s): Rep. Day, Hills 7

What the bill does: This bill provides for a more limited criminal records check when an employee or volunteer of a child day care agency, who has completed the full criminal records check within the last 3 years, transfers to another child day care agency.

This bill is a request of the department of health and human services.

Who supports the bill: Rep. Day, Hills 7; John B. Martin, Department of Health and Human Services; Denise Corvino, Department of Health and Human Services; Jackie Cowell, Early Learning New Hampshire; Katie Brissette, Early Learning New Hampshire

Who opposes the bill: No one

Neutral: Jeff Kellett, State Police

Summary of testimony received:
Hearing opened at 1:45 PM

Representative Russell Day, Hills 7

•Prime Sponsor, Rep. Day sponsored this bill on behalf of the Department of Health and Human Services.

- This bill will have no fiscal impact on the state
- Any individual who wants to work at a daycare childhood center has to undergo a state police records check, fingerprinting, and an FBI records check. If after a few months the individual chooses to leave one daycare center and enter another, the individual will have to undergo all three checks again and all the fees must be paid again for the procedures.
- This is an unnecessary routine and the bill aims to eliminate the second complete background check by making the first FBI records check and set of fingerprints valid for three years. The individual *will* undergo another New Hampshire criminal records check with the department of safety as an added precaution.
- This bill will remove an unnecessary second expense.

John Martin & Denise Corvino, Department of Health and Human Services

- In support, John Martin is the manager of the Bureau of Licensing and Certification and Denise Corvino is the unit chief of the Childcare Licensing Unit.
- For many years the department has required individuals working at childcare facilities to undergo background checks, but have recently added the need for fingerprints. All agree this was a positive addition, but we neglected to make the fingerprints portable, which is problematic.
- The duplication of fingerprints relates to volunteers and students doing practicum as well as staff.
- There is a lot of redundancy and programs have indicated that the costs have become burdensome. In fact, some programs which have been exempt from licensure for various reasons had previously opted into the licensing for safety reasons, but are now opting out to save on costs.
- Since the fingerprints are not portable, the Department of Labor has indicated that the childcare center must pay the costs, whereas if they were portable the cost could be passed on to the employee, student, or volunteer.
- We do not believe this will lessen safety. Safety is a complete process; it includes not only background checks, but also supervision, staff training, and ratios.
- Of the total background checks from 2010, of over 7,000, the department had to investigate 26 for out of state convictions. Four of those 26 are pending and zero have been found to be a danger to children. Once someone is asked to submit their fingerprints, individuals posing a danger refrain from applying for the job.
- The department recognizes that background checks are only good for the moment that they are taken and there is no way to be 100% certain of the safety of children, which is why there needs to be a process in place. The department of health and human services (DHHS) has worked diligently with the program to put that process in place. DHHS has the strongest set of child safety laws, so the department does not believe this change will encourage other departments to water down their laws.

- Costs include fingerprint charge, the time it takes for the individual to get the fingerprints, a substitute if one is needed in the mean time and transportation if necessary. As a result of these costs, childcare providers may raise their rates, passing the cost onto parents who may therefore choose unlicensed care instead.

- Senator Kelly asked: First, thank you for the work you are doing to ensure child safety. How does this version as amended by the House differ from the original bill introduced in the House?

- Response: language was added to include volunteers of childcare programs so that the students and volunteers would also have their fingerprints and background check kept on file for three years.

Jackie Cowell, Early Childhood New Hampshire

- In support, DHHS came to the Childcare Advisory Council and asked what about this issue and worked to craft the best language possible.

- We want the best and brightest to become childcare providers, so we should not make it difficult to obtain this already low paying occupation.

- Senator Bradley asked: How much does a criminal background check cost?

- Response: In the \$30-\$40 range

Jeff Kellett, State Police, Dept. of Safety

- Neutral, Jeff Kellett is the commander of the State Police Criminal Records Unit

- Since the bill would continue to require individuals to undergo a New Hampshire state criminal records check when switch facilities, the new employer would be able to be sure the individual had not been arrested or convicted within New Hampshire in the intervening period since the last background check. It would not guarantee that the individual was not arrested or convicted in another state during the three year period.

- This bill would change RSA 170-E:7 that currently, under Pub L. 92-544, requires both a New Hampshire and FBI record check for all new employees and volunteers. Therefore, any changes this bill makes to the law must be vetted through the FBI's Access Integrity Unit. If they find that the law does not meet their requirements, New Hampshire will not be able to submit fingerprint records to them and it is unclear if their status would go back to that of today or if they would no longer accept any records.

- Background checks are only valid up to the moment they are received. Considering we are a very mobile society, three years is ample time for an individual to travel out of New Hampshire on vacation, business, family visits, etc. and potentially be arrested for endangering a child.

- Though there is a cost connected to the check, if one person is prevented from harming a child, then the cost is worth it.

- The FBI is forming a new program called Rap Back that allows an employer to have an employee's name flagged at the FBI database and if an employee is arrested or convicted in another state the FBI would contact the state police who would contact the employer. This program is slated to start in 2014 and is strictly voluntary. When this program is in place and New Hampshire a voluntary member, then the FBI background check could safely be limited, but not until then.

•This bill is displacing the safety of one of our most vulnerable populations with saving a little bit of money. An FBI record check is \$19.25; these costs are not enough to close down facilities.

•The National Association of Child Care Resource and Referral Agencies recently released their 2011 rankings of state child care center regulations and oversight. Their main conclusions were:

1. Child care licensing should provide minimum protections for children, which includes background checks
2. Licensing requirements are ineffective unless oversight ensures regulations are observed
3. Weak oversight undermines strong standards
4. Protecting children's safety requires comprehensive background checks and fingerprints

•Senator Lambert asked: In terms of child care centers, how many individuals have been flagged?

-Response: We do not track that, DHHS does and I believe Ms. Corvino said zero.

-Denise Corvino: Of the 7,000 plus employees and volunteers in New Hampshire now, we have zero that pose a risk to children.

-Jeff Kellett: That is very fortunate and likely a result of people who would pose a risk being deterred from applying because of the FBI record check, which is why I would like this law to stay in place.

-Concerning interns: there are laws on the books, including the educational background check, which would allow them to only go through the background check one time. I would support a similar provision being an amendment to this bill.

•Senator Kelly asked: First of all, thank you for your work. If a staff member works at the same facility for over three years, are they subjected to a new background check?

-Response: No, this only deals with new hires.

-The Rap Back program, once it is running and New Hampshire chooses to join, will do away with the double FBI check and the concern over long-term employees who may be arrested after hiring. We are probably two-years out on that program.

•Senator Kelly asked: Everyone here has shown their concern with the quality, care, and safety of our children, but now we are addressing costs and process. What is the cost of fingerprinting and criminal records check?

-Response: The fingerprints and FBI check cost \$19.25 per person and the state record check is \$25 per person. For volunteers the cost is \$15.25 for the FBI record check and \$10 for the state record check.

•Senator Bradley asked: You stated that the position of the department is neutrality, but you have spoken exclusively against the bill, what is the position?

-Response: I am just pointing out the concerns with watering down an FBI records check. However, from a monetary point of view the Dept. of Safety will lose no revenue from this so we do not believe we should come out against this.

•Senator Bradley asked: Would your concerns be mitigated when the Rap Back program is enacted?

-Response: Yes. It is a voluntary program, but it will address cost issues and account for all employees, regardless of tenure.

Denise Corvino Re-direct

•To clarify:

-Digital FBI fingerprints cost are \$19.25 and digital state prints are \$15 for a total of \$24.25

-Ink FBI fingerprints cost \$30.25 and ink state prints cost \$15 for a total of \$45.25.

-The department of Health and Human Services pays \$7.50 of each New Hampshire check, though that appropriation is slated to be removed in this budget cycle and the cost to day care providers will therefore go up.

The hearing closed at 2:19 PM

Funding: This will not require any state funding.

FISCAL IMPACT:

The Department of Health and Human Services states this bill, as amended by the House (Amendment #2011-0378h), may decrease state, county and local expenditures, and state revenue by an indeterminable amount in FY 2011 and each year thereafter. There will be no fiscal impact on county or local revenue.

METHODOLOGY:

The Department states this bill would make the results of a national criminal background check portable. The Department expects this would result in general fund savings as fewer national background checks will be processed. There may be a related decline in federal revenue for the federal share of reduced costs. In addition, the Department states there may be savings to county and local governments for fewer background checks in day care programs supported by county and local governments. The Department is not able to determine the impact on the number of background checks or the fiscal impact of this bill. The Department of Safety states this bill will have no fiscal impact to the Department of Safety.

Action: Pending. Mr. Kellett is bringing the bill to the FBI Access Integrity Unit for review.

RMD

[file: HB 488-FN report]

Date: 3/28/11

Speakers

Testimony

NH SENATE
Health and Human Services Committee
HB 488

Honorable Chairman Bradley and Committee Members:

The Department of Safety takes no formal position on this bill, as it is purely a policy matter for the Senate to decide. We are here simply to provide any information the Committee may need.

This bill provides that an individual who is or was employed at a licensed child care agency and changes jobs to go to another child care agency will not be required to be fingerprinted again and pay for an FBI records check provided they were fingerprinted and underwent an FBI records check within the past 3 years. The person would, however, be required to obtain a NH state criminal record check before taking the job with the new agency.

It would enable the new employer to at least be sure there were no arrests or convictions of this individual in NH in the three years intervening from the date the person's record was last checked. It does not guarantee that the person was not arrested or convicted of a crime in some other state.

This proposed legislation is seeking to change RSA 170-E:7 that currently, under the authority of Pub L. 92-544, requires both a NH and FBI record check for every newly employed childcare worker, and as such, any changes must be vetted through the FBI's Access Integrity Unit.

Many times it is asked "How long is a CHRI good for?" The truth be known that it is only valid up to the moment you receive it, and we have been consistent in saying this, which has served as a basis for nearly all of our laws requiring a CHRI check each time an individual seeks new employment, or new or renewed licensing. Notwithstanding that this law change would be contrary to the fact a CHRI is stale right after you receive it, but because we are such a mobile society, three years is ample time to allow for travel away from NH for vacation, business, visit relatives, etc. and thus the potential of garnering additional CHRI that wouldn't be identified by a NH only CHRI check.

One may also ask "Well how often would that happen?" It happens so frequently that the FBI is formulating a new program called Rap Back, that essentially allows an employer, for example, to request through its state criminal history repository to have an employee's (through the applicant fingerprint process) name flagged at the FBI's CHRI database; and if that employee was ever arrested (and/or) convicted of a criminal offense in a state other than NH, the FBI would notify our repository, and we in turn would notify that individual's employer. The FBI's national Rap Back program is slated to be operational in 2014, and participation is strictly voluntary for the states.

Reducing the requirement of an FBI record check each time a childcare worker is newly employed does not do justice to the original legislative intent, which is to enable a licensed child care entity access to the most current nationwide CHRI available. Essentially, this bill is displacing the safety of one of our most vulnerable populations with "saving a little money."

Last week the National Association of Child Care Resource and Referral Agencies released their 2011 ranking of state child care center regulations and oversight. Their conclusion and recommendations highlight some key points:

1. Child care licensing should provide minimum protections for children- that includes criminal background checks;
2. Licensing requirements are ineffective unless oversight ensures regulations are observed;
3. Weak oversight undermines strong standards;
4. Protecting children's safety requires comprehensive background checks- including fingerprints (FBI check).

New Hampshire has a strong child care background check requirement in place. Why would we want to jeopardize the state's standing by reducing that requirement?

Respectfully submitted,

Jeffrey R. Kellett, Chief Administrator
State Police Criminal Records Unit
(603) 223-8402
Jeffrey.Kellett@dos.nh.gov



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF OPERATIONS SUPPORT

LICENSING AND CERTIFICATION UNIT

129 PLEASANT STREET, CONCORD, NH 03301-3857
603-271-4624 1-800-852-3345 Ext. 4624
FAX: 603-271-4782 TDD Access: 1-800-735-2964

Nicholas A. Toumpas
Commissioner

Mary P. Castelli
Senior Division Director

April 6, 2011

Honorable Senator Jeb Bradley, Chairman
Senate Health and Human Services Committee
State House, Room 302
Concord, NH 03301

RE: HB 488, relative to criminal records checks for employment with child day care agencies.

Dear Chairman Bradley and other Distinguished Members of the Senate Health and Human Services Committee:

During the hearing for HB 488 on March 24, 2011 the committee asked that the Department of Health and Human Services and the Department of Safety (DOS) discuss a possibility of compromise to address the concerns of the DOS and the needs of NH Child Care providers. Since that time we have made excellent progress.

Jeff Kellett was able to discuss our proposed changes with the FBI's Access Integrity Unit and received a very quick response stating that our proposed changes do not pose a problem with the FBI. Specifically, the response is as follows:

For clarification, performing a FBI check every 3 years would not be a problem or contrary to what Pub. L. 92-544 now requires. If New Hampshire elects to perform a state check instead of an FBI check during that 3 year time period they are well within their authority to do so. There are currently no guidelines that govern the length of time between FBI checks.

David N. Boone, Paralegal Specialist, Access Integrity Unit/OGC

On April 6, 2011 we held a meeting with Jeff Kellett and Jackie Cowell of Early Learning NH. We discussed the FBI's response, the Department of Safety's concerns expressed during the March 24 hearing, and how to go forward. The Department of Safety offered an addition to our safety measures. The Child Care Licensing Unit has agreed to incorporate a check of the National Sexual Offender Registry to our process. The National Registry is accessible at no cost from the Department of Justice, FBI website. This would be added to the NH State Criminal Records check and the Division for Children, Youth and Families Abuse and Neglect Registry check each time a child care personnel is hired at a program and every three years at license renewal.

April 6, 2011
Re: HB 488
Page 2 of 2

We all agreed that the safety of children is our highest priority and that it is a process—no child care provider should get the false impression that one component (e.g. fingerprinting) is the way to ensure the safety of children in care. We agreed that, should this bill be approved and passed into law, it would be an excellent opportunity to provide additional education to our child care providers. We will collaborate on a letter addressed to all licensed child care programs detailing the measures they should take in order to increase the safety of the children.

If you have further questions, please contact me at 603-271-4590 or denise.corvino@dhhs.state.nh.us. We thank you for your time and consideration on this matter.

Sincerely,



Denise Corvino, Chief
Child Care Licensing Unit

Cc: Honorable Representative Russell C. Day
Jeff Kellett, Commander, State Police Criminal Records Unit/DOS
Jackie Cowell, Executive Director of Early Learning NH
John Williams, Legislative Coordinator, DHHS
John Martin, Manager, Bureau of Licensing and Certification/DHHS

March 25, 2011

Mr. David N. Boone, Paralegal Specialist
U.S. Department of Justice
Federal Bureau of Investigation
Office of the General Counsel
Access Integrity Unit
Clarksburg, WV 26306

Re: RSA 170-E:7 Child Care Licensing (HB 488-FN)

Dear Mr. Boone:

The New Hampshire Department of Health and Human Services, by way of HB 488-FN, is seeking an amendment to NH RSA 170-E:7 for the purpose of submitting non-criminal justice record checks through the FBI's database.

Enclosed is a copy of the RSA and the proposed amendment. The amendment is presently before our state senate sub-committee, and they request the Access Integrity Unit review the amended language and render an opinion as to the conformity with Pub L. 92-544. If possible, due to our time constraints, a response within two weeks would be greatly appreciated.

Thank you for your assistance on this request, and I can be contacted at (603) 223-8402, or Jeffrey.Kellett@dos.nh.gov.

Sincerely,

Jeffrey R. Kellett, Chief Administrator
State Police Criminal Records Unit

JRK/i

Enclosures



Colonel Robert L. Quinn
Director

State of New Hampshire

DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305



APR 12 2011

April 8, 2011

Honorable Senator Jeb Bradley, Chairman
Senate Health and Human Services Committee
State House, Room 302
Concord, NH 03301

RE: HB 488, Relative to Criminal Record Checks for Employment with Child Day Care Agencies.

Dear Chairman Bradley and other Distinguished Members of the Senate Health and Human Services Committee:

The Department of Health and Human Services and the Department of Safety in joint testimony before the Senate Health and Human Services Committee's April 7, 2011 Executive Session on HB 488, detailed the findings of the FBI's Access Integrity Unit's review of the proposed legislation; and the outcome of discussions between DHHS and DOS with respect to a compromise on the bill.

The Access Integrity Unit's review of this legislation determined, in part: "If New Hampshire elects to perform a state check instead of an FBI check during that 3 year time period they are well within their authority to do so. There are currently no guidelines that govern the length of time between FBI checks."

Based upon the above opinion, DHHS and DOS engaged in conversations that would move HB 488 forward, yet preserve the integrity of the criminal history background process, with the highest priority being the safety of the children at these agencies.

Several factors were taken into consideration during these discussions. A historical review of past FBI criminal record checks revealed that no prospective child day care applicant employee or volunteer was disqualified as a result of the federal criminal record check. Furthermore, unlike any other NH law requiring applicants to submit to a federal criminal record check, Child Care Licensing requires a check of the Division for Children, Youth and Families Abuse and Neglect Registry each time child care personnel is hired at a program. The Registry contains information on investigation of alleged child abuse, and provides information above and beyond the judicial conviction data one would receive from a FBI/NH criminal record check. Lastly, all applicants' names will be searched through the U.S. Department of Justice's National Sex Offender Registry, which covers all 50 states and identifies those individuals convicted of sexual crimes on victims under the age of 18. This Registry is publically accessible, and free of charge.

Honorable Senator Jeb Bradley, Chairman
Senate Health and Human Services Committee
April 8, 2011
Page 2

As I have stated in my previous testimony before the Committee, the Department of Safety, particularly the State Police Criminal Records Unit, offers the service of providing federal and state criminal record conviction information to the public through statutory authority. This service is secondary to the concern for the safety of our most vulnerable population, and thus I would not be in support of any legislation that would compromise that safety.


Upon assurances and the willingness to work with the DOS in moving forward, DHHS will continue to enforce and monitor the controls already in place; incorporate a search of the National Sex Offender Registry; and through instructional information to be provided to child day care agencies, will require a more in-depth hiring procedure beyond the scope of a criminal record check.

Based upon the above, I am confident that the integrity of the requirements for child day care agency applicants with respect to a FBI and NH criminal history record check remains solid, and will not set precedence for wide sweeping changes to our other existing Public Law 92-544 legislation. Therefore, I support HB 488-FN as submitted.

I want to take this opportunity to thank Chairman Bradley and the other esteemed Committee Members for their in-depth review of HB-488; concerns for the safety of our children; and their patience in enabling the DHHS and DOS to collaborate on moving this legislation forward.

Should you have additional questions or concerns, please contact me at (603) 223-8402 or Jeffrey.Kellett@dos.nh.gov.

Respectfully,



Jeffrey R. Kellett, Chief Administrator
State Police Criminal Records Unit
33 Hazen Drive
Concord, NH 03305

JRK/i

cc: Honorable Representative Russell C. Day
Denise Corvino, Chief Child Care Licensing
Jackie Cowell, Executive Director of Early Learning NH
John Williams, Legislative Coordinator, DHHS
John Martin, Manager, Bureau of Licensing and Certification/DHHS

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 21, 2011

THE COMMITTEE ON Health and Human Services

to which was referred House Bill 488-FN

AN ACT relative to criminal records checks for employment with
child day care agencies.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Andy Sanborn
For the Committee

Robyn Dangora 271-7585

New Hampshire General Court - Bill Status System

Docket of HB488

Docket Abbreviations

Bill Title: relative to criminal records checks for employment with child day care agencies.*Official Docket of HB488:*

Date	Body	Description
1/21/2011	H	Introduced 1/6/2011 and Referred to Children and Family Law; HJ 11 , PG. 188
2/9/2011	H	Public Hearing: 2/17/2011 10:00 AM LOB 206 ==Executive Session to Follow==
2/18/2011	H	Committee Report: Ought to Pass with Amendment #0378h for Mar 2 (Vote 10-0; CC); HC 18 , PG.385
2/18/2011	H	Proposed Committee Amendment #2011-0378h; HC 18 , PG.411
3/2/2011	H	Amendment #0378h Adopted, VV; HJ 25 , PG.671
3/2/2011	H	Ought to Pass with Amendment #0378h: MA VV; HJ 25 , PG.671
3/9/2011	S	Introduced and Referred to Health and Human Services; SJ 9 , Pg.103
3/15/2011	S	Hearing: 3/24/11, Room 102, LOB, 1:45 p.m.; SC16
4/25/2011	S	Committee Report: Ought to Pass, 5/4/11; SC22
5/4/2011	S	Ought to Pass, MA, VV; OT3rdg; SJ 15 , Pg.307
5/4/2011	S	Passed by Third Reading Resolution; SJ 15 , Pg.312
5/18/2011	S	Enrolled
5/18/2011	H	Enrolled; HJ 44 , PG.1564
6/1/2011	H	Signed By Governor 05/27/2011; Effective 07/26/2011; Chapter 0100

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 488-FN ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

~~N/A~~ HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # ____ ____ - AMENDMENT # ____
____ - AMENDMENT # ____ ____ - AMENDMENT # ____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

8/11/11

Reilyn (Cyr Swann)
BY COMMITTEE AIDE